



SMITH EIBELER, LLC

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December 28, 2018

VIA FEDERAL EXPRESS

Department of the Treasury
Bureau of Risk Management
STATE OF NEW JERSEY
20 West State Street
6th Floor
Trenton, New Jersey 08625
Attn: Tort Claims Unit

**Re: Katherine Brennan Initial Notice of Claim for Damages Against
The State of New Jersey (Long Form with attached Exhibit A)**

Dear Madam/Sir:

On behalf of our client, Katherine Brennan, enclosed for service upon the State of New Jersey please find an original and one copy of an Initial Notice of Claim for Damages Against the State of New Jersey (Long Form) with attached Exhibit A.

Should you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,

SMITH EIBELER, LLC

KATHRYN K. MCCLURE, ESQ.

cc: Daniel M. Vannella, Esq. (Via E-mail and Federal Express)
Deputy Attorney General | Section Chief, Tort Litigation & Judiciary Section, Division of Law
Ms. Katherine Brennan

INITIAL NOTICE OF CLAIM FOR DAMAGES AGAINST THE STATE OF NEW JERSEY

FORWARD TO: DEPARTMENT OF THE TREASURY
DIVISION OF RISK MANAGEMENT
20 WEST STATE STREET, PO BOX 620
TRENTON, NEW JERSEY 08625-0620
PHONE: (609) 292-4347

FORM MUST BE FILED WITHIN 90 DAYS OF THE ACCIDENT OR YOU MAY FORFEIT YOUR RIGHT

1. MS. KATHERINE BRENNAN

NAME OF CLAIMANT (MR. OR MRS.) CIRCLE ONE

DATE OF BIRTH

DAYTIME PHONE NUMBER

STREET ADDRESS

JERSEY CITY NJ 07302
CITY STATE ZIP CODE

SOCIAL SECURITY NUMBER

2. IF NOTICES AND CORRESPONDENCE IN CONNECTION WITH THIS CLAIM ARE TO BE SENT TO A PERSON OTHER THAN CLAIMANT, COMPLETE ITEM #2.

KATHRYN K. McCLURE, ESQ.
NAME OF PERSON

TELEPHONE NUMBER

SMITH EIBELER, LLC
AT BELL WORK, 101 CRAWFORDS
STREET ADDRESS CORNER 120th
HOLMDEL NJ 07733
CITY STATE ZIP CODE

RELATIONSHIP TO CLAIMANT: ☒ ATTORNEY

☐ OTHER
(SPECIFY)

3A. CIRCUMSTANCES REGARDING THE OCCURRENCE OR ACCIDENT:

NOVEMBER 2017 THROUGH
DATE AND TIME OCTOBER 2, 2018

STATE VEHICLE DRIVER'S NAME

STATE PLATE # AND VEHICLE DESCRIPTION

① TRANSITION OFFICE FOR GOV.-ELECT
LOCATION (MILEPOST, NEAREST EXIT, CROSS STREET)
PHIL MURPHY
225 WEST STATE ST.
CITY TRENTON, NJ STATE 08625

② NJ SCHOOL DEVELOPMENT AUTHORITY
32 E. FRONT ST.
TRENTON, NJ 08625

3B. DESCRIBE THE ACCIDENT OR OCCURRENCE: IF A DIAGRAM WILL ASSIST YOUR EXPLANATION, USE A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

SEE ATTACHED INFORMATION INCLUDED IN EXHIBIT A
INCLUDED HEREWITH.

3C. STATE THE NAME AND ADDRESS OF THE STATE AGENCY OR AGENCIES THAT YOU CLAIM CAUSED YOUR DAMAGE.

SEE RESPONSIVE INFORMATION IN EXHIBIT A
ATTACHED HERETO.

STATE THE NAMES OF STATE EMPLOYEES WHOM YOU CLAIM WERE AT FAULT, INCLUDING ANY INFORMATION THAT WILL ASSIST IN IDENTIFYING AND LOCATING THEM.

SEE RESPONSIVE INFORMATION IN EXHIBIT A
ATTACHED HERETO.

3D. STATE THE NEGLIGENCE OR WRONGFUL ACTS OF THE STATE AGENCY AND STATE EMPLOYEES WHICH CAUSED YOUR DAMAGES.

SEE RESPONSIVE INFORMATION IN EXHIBIT A
ATTACHED HERETO.

3E. STATE THE NAME AND ADDRESS OF ALL WITNESSES TO THE ACCIDENT OR OCCURRENCE.

SEE RESPONSIVE INFORMATION IN EXHIBIT A
ATTACHED HERETO.

3F. STATE THE NAMES OF ALL POLICE OFFICERS AND POLICE DEPARTMENTS WHO INVESTIGATED THIS ACCIDENT. PROVIDE POLICE REPORT CASE NUMBER, IF AVAILABLE.

SEE RESPONSIVE INFORMATION IN EXHIBIT A
ATTACHED HERETO.

4A. CLAIM FOR DAMAGES (CHECK APPROPRIATE BLOCK):

☒ PERSONAL INJURY

☐ PROPERTY DAMAGE

☐ OTHER-EXPLAIN

4B. IF YOU CLAIM PERSONAL INJURY:

(1) DESCRIBE YOUR INJURIES RESULTING FROM THIS ACCIDENT OR OCCURRENCE.

EMOTIONAL DISTRESS AND OTHER DAMAGES

(2) DO YOU CLAIM PERMANENT DISABILITY RESULTING FROM THIS INJURY:

☐ YES ☒ NO

IF YES, DESCRIBE THE INJURIES BELIEVED TO BE PERMANENT.

N/A

(3) FOR EACH HOSPITAL, DOCTOR OR OTHER PRACTITIONER RENDERING TREATMENT, EXAMINATION OR DIAGNOSTIC SERVICES, STATE:

| NAME OF HOSPITAL, DOCTOR OR OTHER FACILITY | ADDRESS | DATES OF TREATMENT OR SERVICE | AMOUNT OF CHARGE TO DATE | AMT. PAID OR PAYABLE BY OTHER SOURCE, I.E. INSURANCE |
|--|---------|-------------------------------------|--------------------------------|--|
| | | | | |
| | | | | |
| | | | | |

(4) IF YOU CLAIM LOSS OF WAGE OR INCOME AS A RESULT OF THE INJURY STATE:

UNKNOWN AT THIS TIME.

NAME OF EMPLOYER

ADDRESS OF EMPLOYER

YOUR OCCUPATION

DATE YOU BECAME EMPLOYED

RATE OF PAY

DATE OF ABSENCE FROM WORK

TOTAL LOSS WAGES TO DATE

IF STILL OUT, EXPECTED DATE OF RETURN

NOTE: IF YOUR CLAIMED LOSS OF INCOME ARISES FROM SELF-EMPLOYMENT OR OTHER THAN WAGE, ATTACH A CALCULATION SHOWING THE BASIS OF YOUR CALCULATION OF LOST INCOME.

(5) SET FORTH ANY AND ALL OTHER LOSSES OR DAMAGE CLAIMED BY YOU.

TO BE DETERMINED

4C. IF YOU CLAIM PROPERTY DAMAGE:

(1) DESCRIBE THE PROPERTY DAMAGED.

N/A

(2) THE PRESENT LOCATION AND TIME WHEN THE PROPERTY MAY BE INSPECTED.

(3) DATE PROPERTY ACQUIRED _____

(4) COST OF PROPERTY \$ _____

(5) VALUE OF PROPERTY AT TIME OF ACCIDENT \$ _____

(6) DESCRIPTION OF DAMAGE.

(7) HAS THE DAMAGE BEEN REPAIRED? ☐ YES ☐ NO IF SO, BY WHOM, WHEN AND COST OF REPAIRS.

(8) ATTACH EACH ESTIMATE OF REPAIR COSTS TO THIS FORM.

(9) SET FORTH IN DETAIL THE LOSS CLAIMED BY YOU FOR PROPERTY DAMAGE.

4D. SET FORTH IN DETAIL ALL OTHER ITEMS OF LOSS OR DAMAGES CLAIMED BY YOU AND THE METHOD BY WHICH YOU MADE THE CALCULATION.

5. THE AMOUNT OF THE CLAIM \$ TO BE DETERMINED

6. HAVE YOU MADE A CLAIM AGAINST ANYONE ELSE FOR ANY OF THE LOSSES OR EXPENSES CLAIMED IN THIS NOTICE? ☐ YES ☒ NO

IF YES, SET FORTH THE NAME AND ADDRESS OF ALL PERSONS AND INSURANCE COMPANIES AGAINST WHOM YOU HAVE MADE SUCH CLAIMS:

7. ARE ANY OF THE LOSSES OR EXPENSES CLAIMED HEREIN COVERED BY ANY POLICY OF INSURANCE? ☐ YES ☐ NO UNKNOWN AT THIS TIME

FOR EACH SUCH POLICY, STATE THE NAME AND ADDRESS OF THE INSURANCE COMPANY, POLICY NUMBER AND BENEFITS PAID OR PAYABLE.

8. HAVE YOU RECEIVED OR AGREED TO RECEIVE ANY MONEY FROM ANYONE FOR THE DAMAGES CLAIMED HEREIN? ☐ YES ☒ NO

IF YES, SET FORTH THE DETAIL OF SUCH AGREEMENT.

9. THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS NOTICE:

- (1) COPIES OF ITEMIZED BILLS FOR EACH MEDICAL EXPENSE AND OTHER LOSSES AND EXPENSES CLAIMED.
- (2) FULL COPIES OF ALL APPRAISALS AND ESTIMATES OF PROPERTY DAMAGE CLAIMED BY YOU.
- (3) COPIES OF ALL WRITTEN REPORTS OF ALL EXPERT WITNESSES AND TREATING PHYSICIANS.
- (4) A LETTER FROM YOUR EMPLOYER VERIFYING YOUR LOST WAGES. IF SELF-EMPLOYED, A STATEMENT SHOWING THE CALCULATION OF YOUR CLAIMED LOST INCOME.

I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. THAT THE ATTACHED STATEMENTS, BILLS, REPORTS AND DOCUMENTS ARE THE ONLY ONES KNOWN TO ME TO BE IN EXISTENCE AT THIS TIME. I AM AWARE THAT IF ANY STATEMENT MADE HEREIN IS WILLFULLY FALSE OR FRAUDULENT, THAT I AM SUBJECT TO PUNISHMENT PROVIDED BY LAW.

12/28/2018
DATE

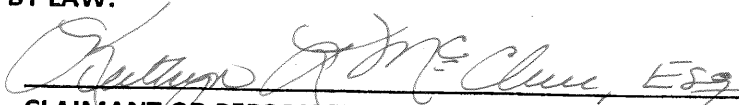

CLAIMANT OR PERSON FILING ON BEHALF OF CLAIMANT

EXHIBIT A

KATHERINE BRENNAN

INITIAL NOTICE OF CLAIM FOR DAMAGES AGAINST THE STATE OF NEW JERSEY

3B. DESCRIBE THE ACCIDENT OR OCCURRENCE: IF A DIAGRAM WILL ASSIST YOUR EXPLANATION, USE A SEPARATE SHEET OF PAPER AND ATTACH IT TO THIS FORM.

In the early hours of Saturday, April 8, 2017, Katherine Brennan, who was working for Murphy for Governor, Inc., the campaign to elect Philip D. Murphy as Governor of New Jersey (the "Campaign"), was sexually assaulted by Albert J. Alvarez, Director of Latino/Muslim Outreach for the Campaign. The sexual assault occurred following a campaign event in Jersey City, New Jersey. On Sunday, April 9, 2017, Ms. Brennan reported the sexual assault to a friend, Justin Braz, who currently serves as the Deputy Chief of Staff for Legislative Affairs for Governor Murphy's Administration, and the Jersey City Police Department. Shortly thereafter, Ms. Brennan reported the sexual assault to the Hudson County Prosecutor's Office.

On December 1, 2017, Ms. Brennan notified Mr. Braz that she believed that the arrest of Mr. Alvarez was imminent. Ms. Brennan asked Mr. Braz what action he thought should be taken in view of the negative public impact Mr. Alvarez's arrest could have on Governor-Elect Murphy's Administration. Mr. Braz suggested that Ms. Brennan authorize him to alert legal counsel for the State of New Jersey Transition Office for Governor-Elect Philip Murphy (the "Transition Office") about Ms. Brennan's allegations. Ms. Brennan agreed with Mr. Braz's suggestion.

On December 4, 2018, Mr. Braz testified before the New Jersey Legislative Select Oversight Committee ("the Committee") that on December 1, 2017, he told Chief of Staff Pete Cammarano and Transition Office legal counsel Rajiv D. Parikh, Esq., that Mr. Alvarez had been accused of sexual assault and would possibly be arrested. Later the same day, December 1, 2017, the Hudson County Prosecutor's Office notified Ms. Brennan that it would not proceed with criminal action against Mr. Alvarez. Ms. Brennan conveyed the Hudson County Prosecutor's Office's decision to Mr. Braz who testified that he, in turn, communicated the information to Messrs. Cammarano and Parikh. Mr. Braz subsequently advised Ms. Brennan that he had conveyed the decision of the Hudson County Prosecutor's Office to Messrs. Cammarano and Parikh. Ms. Brennan asked Mr. Braz if the individual who he told asked any questions or required any further information from her. Mr. Braz responded no.

During the Committee hearing on December 4, 2018, it was revealed through questioning by Committee members that Mr. Parikh wrote an e-mail on or about December 3, 2017, listing options for responding to Ms. Brennan's allegations which included, among others, the purported option of "do nothing."

In or about November and December 2017, the Transition Office acted unlawfully, intentionally, negligently and/or with reckless indifference by hiring and retaining Albert J. Alvarez in the position Deputy Director of Personnel for the Transition Office, reporting to Director of Personnel Lynn Haynes. The Transition Office acted unlawfully, intentionally, negligently and/or with reckless indifference by hiring and retaining Mr. Alvarez although officials within and/or agents of the Transition Office, including but not limited to Mr. Braz, Mr. Parikh, and Mr. Cammarano, were aware of Ms. Brennan's allegations and that the Hudson County Prosecutor's Office was investigating Ms. Brennan's allegations and making a determination whether to criminally prosecute Mr. Alvarez.

In or about January 2018, the State of New Jersey and New Jersey Schools Development Authority ("NJSDA") acted unlawfully, intentionally, negligently and/or with reckless indifference by hiring Albert J. Alvarez in the position Chief of Staff of the NJSDA although senior officials employed in the Office of Governor Murphy, including but not limited to, Chief of Staff Pete Cammarano and Deputy Chief of Staff for Legislative Affairs Justin Braz, had knowledge of Ms. Brennan's allegation that Mr. Alvarez raped her on April 8, 2017.

The State of New Jersey and the NJSDA acted unlawfully, intentionally, negligently and/or with reckless indifference by retaining Mr. Alvarez in the position Chief of Staff of the NJSDA although additional officials employed in the Office of the Governor including but not limited to Chief Counsel Matt Platkin and Deputy Chief Counsel Parimal Garg had knowledge that Ms. Brennan, who had been hired by the State of New Jersey as the Chief of Staff for the New Jersey Housing and Mortgage Finance Agency, alleged that Mr. Alvarez sexually assaulted her on April 8, 2017.

The State of New Jersey acted unlawfully, intentionally, negligently and/or with reckless indifference by retaining Mr. Alvarez in the position Chief of Staff of the NJSDA, reporting to Charles McKenna, Executive Director of the NJSDA. Mr. Alvarez remained employed by the NJSDA until October 2, 2018, when, upon information and belief, Mr. Alvarez resigned his employment after being contacted by the Wall Street Journal regarding Ms. Brennan's allegation that Mr. Alvarez had sexually assaulted her on April 8, 2017.

The State of New Jersey unlawfully, intentionally, negligently and/or with reckless indifference retained Mr. Alvarez in State employment although Ms. Brennan told Mr. Platkin on March 20, 2018 and Mr. Garg on March 22, 2018 that Mr. Alvarez had raped her, to which she testified to on December 4, 2018, before the Committee.

The State of New Jersey unlawfully, intentionally, negligently and/or with reckless indifference retained Mr. Alvarez in State employment although Chief of Staff Pete Cammarano testified on December 18, 2018, before the Committee, among other things, that (a) Mr. Braz told him on December 1, 2017, that someone associated with the Transition Office alleged that Mr. Alvarez had raped her and (b) that Mr. Cammarano, at the behest of Mr. Platkin, told Mr. Alvarez on March 26, 2018, that "he needed to leave state government" because of Ms. Brennan's allegations.

The State of New Jersey unlawfully, intentionally, negligently and/or with reckless indifference retained Mr. Alvarez in State employment although on April 24, 2018, Heather V. Taylor, Chief Ethics Officer for the Governor's Office, contacted Ms. Brennan to inform her that the State would not take any action on her behalf because Mr. Alvarez and Ms. Brennan were not State employees at the time of the alleged sexual assault. The State acted unlawfully, intentionally, negligently and/or with reckless disregard when it did not initiate and/or conduct any investigation into Ms. Brennan's report of the rape incident in violation of State policy. For example, Ms. Taylor conducted no interview of Ms. Brennan concerning her complaint.

The State of New Jersey unlawfully, intentionally, negligently and/or with reckless indifference retained Mr. Alvarez in State employment although Mr. McKenna testified before the Committee on December 18, 2018, that, at the behest of Mr. Platkin, on or about June 6, 2018, Mr. McKenna told Mr. Alvarez that he needed to leave state employment and look for another job. Upon information and belief, the State acted unlawfully, intentionally, negligently and/or with reckless indifference when neither Mr. Cammarano nor Mr. McKenna had subsequent communications with Mr. Alvarez to ensure that he was separating and in fact did separate himself from State employment.

The State of New Jersey unlawfully, intentionally, negligently and/or with reckless indifference retained Mr. Alvarez in State employment although Ms. Brennan e-mailed Governor Murphy and First Lady Tammy Murphy at 7:00 p.m. on Friday, June 1, 2018. Ms. Brennan requested to have a meeting with one or both of them about a "sensitive matter" that occurred during the Campaign. Ms. Brennan did not indicate in her June 1, 2019 e-mail that her sensitive matter involved Mr. Alvarez.

On Friday, June 1, 2018, at 7:41 p.m., Governor Murphy responded, "Katie We know you well. Adding our respective teams to get on with scheduling something. Hang in. We are on it. If we prove not to be fast enough don't hesitate to come back to Tammy or me directly. Many thanks. Phil and Tammy M[.]" A meeting with Ms. Brennan and Governor Murphy or First Lady Murphy was never scheduled.

Instead, shortly thereafter, Jonathan Berkon, Esq., an attorney from Perkins Coie, LLP, who served as counsel to the Murphy Campaign, contacted Ms. Brennan and advised her that Mr. Alvarez would be leaving State employment. Based upon Mr. Berkon's representation, Ms. Brennan believed that the State of New Jersey had finally taken some action against Mr. Alvarez and that she would no longer have to be scared of being in his presence at work in State employment.

In response to Ms. Brennan's e-mail to Governor Murphy and First Lady Tammy Murphy concerning her request to meet with him and his wife to discuss her allegation that Mr. Alvarez, her coworker in State employment, had raped her, Mr. Platkin instructed Mr. Alvarez's boss, Charles McKenna, to inform Mr. Alvarez that he needed to look for a new job. As set forth above, on or about June 6, 2018, Mr. Platkin called Mr. McKenna into his office and informed him that the State of New Jersey had received a complaint concerning Mr. Alvarez and, as a result, Mr.

Alvarez needed to start looking for a new job outside of State employment. Mr. McKenna testified on December 4, 2018, before the Committee, that Mr. Platkin did not inform him of the substance of Ms. Brennan's allegation against Mr. Alvarez, but that the substance of the allegation was information that he would have found relevant in supervising Mr. Alvarez as well as the many other employees of the NJSDA who reported to him.

The foregoing communications and conduct notwithstanding, the State of New Jersey unlawfully, intentionally, negligently and/or with reckless indifference retained Mr. Alvarez in State employment until October 2, 2018, when, upon information and belief, Mr. Alvarez resigned his employment after being contacted by the Wall Street Journal regarding Ms. Brennan's allegation that Mr. Alvarez had sexually assaulted her on April 8, 2017.

3C. STATE THE NAME AND ADDRESS OF THE STATE AGENCY OR AGENCIES THAT YOU CLAIM CAUSED YOUR DAMAGE.

Transition Office for Governor-Elect Phil Murphy
225 West State Street
Trenton, New Jersey 08625

New Jersey Schools Development Authority
32 East Front Street
Trenton, New Jersey 08625

Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Office of the Attorney General of the State of New Jersey
Department of Law and Public Safety
P.O. Box 080
25 Market Street
Trenton, New Jersey 08625-0080

STATE THE NAMES OF STATE EMPLOYEES WHOM YOU CLAIM WERE AT FAULT, INCLUDING ANY INFORMATION THAT WILL ASSIST IN IDENTIFYING AND LOCATING THEM.

Governor Phil Murphy
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Attorney General Gubir S. Grewal
Office of the Attorney General of the State of New Jersey
Department of Law and Public Safety
P.O. Box 080
25 Market Street
Trenton, New Jersey 08625-0080

Chief of Staff Pete Cammarano
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Chief Counsel Matt Platkin
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Deputy Chief Counsel Parimal Garg
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Heather V. Taylor, Esq.
Chief Ethics Officer
Office of the Governor of the State of New Jersey
P.O. Box 001
Trenton, NJ 08625-0001

Deputy Chief of Staff for Legislative Affairs Justin Braz
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Jonathan Berkon, Esq.
Perkins Coie LLP
700 Thirteenth Street, N.W.
Suite 600
Washington, D.C. 20005

Rajiv D. Parikh, Esq.
Genova Burns
494 Broad Street
Newark, New Jersey 07102

3D. STATE THE NEGLIGENCE OR WRONGFUL ACTS OF THE STATE AGENCY AND STATE EMPLOYEES WHICH CAUSED YOUR DAMAEGS.

Transition Office for Governor-Elect Phil Murphy and the State of New Jersey unlawfully, intentionally, negligently and/or with reckless indifference hired and retained Albert J. Alvarez in State employment from in or about November 2017 through on or about October 2, 2018. See Paragraph 3B above.

3E. STATE THE NAME AND ADDRESS OF ALL WITNESSES TO THE ACCIDENT OR OCCURRENCE.

To the best of Ms. Brennan's knowledge at this time, the witnesses are those individuals identified in Paragraphs 3B and 3C above as well as additional witnesses who may be identified through the testimony of witnesses requested to testify by the New Jersey Legislative Select Oversight Committee and/or as may be revealed in discovery.

3F. STATE THE NAMES OF ALL POLICE OFFICERS AND POLICE DEPARTMENTS WHO INVESTIGATED THIS ACCIDENT. PROVIDE POLICE REPORET CASE NUMBER, IF AVAILALBLE.

Upon information and belief, the law enforcement agencies who have investigated Ms. Brennan's complaint of sexual assault by Albert J. Alvarez on April 8, 2017, or reviewed the investigation of other departments and agencies, include the following:

Jersey City Police Department
East District
207 7th Street
Jersey City, New Jersey 07302
P.O. Badawi
P.O. Szymanski
Sgt. Maria Dargan
East Patrol Sgt. Dillon
NDC Sgt. Balcezak
Department File No. 17-008091

Hudson County Prosecutor's Office
Prosecutor Esther Suarez
Assist Prosecutor Jane Weiner
595 Newark Avenue
Jersey City, New Jersey 07306

Middlesex County Prosecutor's Office
25 Kirkpatrick Street
New Brunswick, New Jersey 08901